

# Shoreham Port Authority

## Byelaws 2012

Shoreham Port Authority, in exercise of the powers conferred on it by section 83 of the Harbours Docks and Piers Clauses Act 1847, section 72 of the Shoreham Harbour Act 1926, section 35 of the Shoreham Harbour Act 1949, section 14 of the Shoreham Harbour Act 1962 and article 30 of the Shoreham Harbour Revision Order 1978 hereby makes the following byelaws.

These byelaws are divided into four parts	<b>Part 1</b>	<b>Preliminary</b> <ul style="list-style-type: none"><li>- Citation</li><li>- Application</li><li>- Interpretation</li></ul>
	<b>Part 2</b>	<b>Byelaws:</b> <ul style="list-style-type: none"><li>- vessel and ownership details; berthing and moorings; rigging; bright lights and fireworks; vessel inspection; bait digging;</li><li>- goods on harbour property;</li><li>- operation of vehicles; speed limits; directions of Harbour Master; loads; fuel; notification of accidents;</li><li>- refuse; fish gutting</li><li>- unauthorised trading;</li><li>- jumping and diving; swimming, snorkelling and diving; anti-social behaviour</li></ul>
	<b>Part 3</b>	<b>Penalties</b>
	<b>Part 4</b>	<b>Revocations</b>

### PART 1 - PRELIMINARY

#### 1. Citation

- (a) These byelaws may be cited as the Shoreham Port Byelaws 2012.
- (b) They come into operation 28 days after the date of confirmation by the Secretary of State.

#### 2. Application

These byelaws shall apply to all parts of the harbour within the harbour limits prescribed in the Shoreham Harbour Acts 1926 and 1949.

#### 3. Interpretation

In these byelaws the following words or expressions have the following meanings:

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"COLREGS"	Means the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations 1996 (S.I. 1996/75) as amended;
"Gross Tonnage"	Means the gross tonnage recorded on a vessel's Certificate of Registry;
"Harbour Authority"	Means the Shoreham Port Authority as defined by the Shoreham Port Authority Acts and Orders 1926 to 2004;
"Harbour limits"	Means those limits prescribed in the Shoreham Harbour Acts of 1926 and 1949;
"Harbour Master"	Means a person appointed by Shoreham Port to be a Harbour Master and includes the deputies and assistants or a person so appointed and the officers authorised to discharge the Harbour Master's duties through Shoreham Harbour Radio;
"Harbour Premises"	Means the docks, quays, jetties, roads, stages and all other works, land and buildings for the time being vested in or occupied or administered by the Harbour Authority within harbour limits;
"Length overall"	Means the maximum length of a vessel, including overhanging structure, cargo or equipment and if a tug and tow the length from the forward end of the tug to the aft end of the last vessel or object towed;
"Master"	Means any person having or taking the command, charge or management of a vessel for the time being and includes a pilot so engaged;
"Port Marine Safety Code"	Means the Code published by the Department for Transport dated October 2009 and any subsequent edition or amendment;
"Public road"	Means any highway or any other road to which the public has access and includes bridges over which it passes;
"Small pleasure vessel"	Means a pleasure vessel less than 5 metres in length overall;
"Vessel"	Means every description of water craft of every kind and shall include but not be limited to all ships, boats, lighters and craft used or capable of being used as a means of transportation on the water, non-displacement craft, houseboats when used in navigation, hovercraft, seaplanes, hydrofoils, wing in ground effect craft, flying inflatable boats, personal water craft, kite surfers, wind surfers, surf boards, rafts, dinghies, kayaks and canoes.

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## PART 2 - BYELAWS

### 4. Vessel details

The owner of any vessel within harbour limits shall on demand of the Harbour Master immediately declare to him the following particulars:

- Name of vessel;
- Position in port;
- Length overall;
- Gross tonnage;
- Name and address of owner;
- Name and address of master;
- Name and address of agent provided one has been appointed.

### 5. Change of vessel's ownership

The owner of any vessel, except a small pleasure vessel, within harbour limits shall immediately inform the Harbour Master when the ownership of the vessel changes and shall provide the name and address of the new owner.

### 6. Compliance with COLREGS

The owner or master of a vessel within harbour limits to which COLREGS are not applied by regulation 2 of those Regulations (S.I. 1996/75) must comply with COLREGS as if they were applied to that vessel.

### 7. Mooring and fenders

The owner or master of a vessel within harbour limits shall at all times: keep his vessel properly and effectively moored when berthed or lying at any quay or mooring; ensure that it is provided with sufficient fenders of adequate size; when berthing, leaving or lying at a quay or against other moored vessels or property cause the vessel to be fendered off from that quay or those other vessels or property.

### 8. Rigging to be secured

The owner or master of a vessel within harbour limits fitted with a mast shall at all times ensure that its rigging is secured so that it does not make undue noise.

### 9. Laying moorings, buoys and tackle

(a) No person shall lay down any moorings, buoys or other tackle within harbour limits without the written consent of the Harbour Master. Such consent will be subject to such conditions as the Harbour Master shall deem appropriate and after he has assessed the risks associated with marine operations in accordance with the requirements of the Port Marine Safety Code.

(b) In default or if any person shall fail to comply with any of the conditions of such consent the Harbour Master may remove or cause to be removed the moorings, buoys or tackle and all costs and expenses



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reasonably so incurred shall on demand be repaid to the Harbour Authority or be recoverable as a debt against the person defaulting or failing to comply with a condition.

### 10. Bright lights at night and fireworks

No person shall within harbour limits exhibit any searchlights, floodlights or other bright lights such as to inhibit safe navigation or let off any fireworks or pyrotechnics other than those used for indicating distress or emergency unless the consent in writing has first been obtained from the Harbour Master.

### 11. Vessel inspection and examination

When required by the Harbour Master in the exercise of his duties a person in control for the time being of a vessel within harbour limits shall afford him access to any part of it and shall provide all reasonable facilities for the inspection and examination of the vessel including all certificates, logs, charts and records in order for the Harbour Master to ascertain whether these byelaws or any directions given by the Harbour Authority or Harbour Master are being complied with.

### 12. Details of persons and vessels

A person within harbour limits shall on demand provide the Harbour Master with his name and address and details of any vessel of which he has knowledge including the name and address of its owner or master that may assist the Harbour Master in the discharge of his duties.

### 13. Bait digging

Unless granted consent in writing by the Harbour Master no person shall dig for lugworm, ragworm, crabs or any form of fishing bait within 6 metres of any mooring, pile, beacon, mark, hard, causeway, jetty, quay, wharf or similar structure.

### 14. Bait digging for personal use

No person shall dig for lugworm, ragworm, crabs or any form of fishing bait other than for personal use.

### 15. Goods on harbour property

The owner of any goods must ensure compliance with such directions as the Harbour Master may from time to time give for regulating their time, place and manner of discharging, loading or otherwise bringing into or removing those goods from the harbour property.

### 16. Operation of vehicles

No person shall drive or otherwise operate a vehicle on the harbour premises without complying with all the statutory requirements that are applicable on public roads.

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### 17. Vehicle speed limit

No person shall allow a vehicle to proceed on the harbour premises, unless it is a public road, at a speed greater than 30 miles per hour or at such slower speed as indicated on signs posted on the harbour premises.

### 18. Vehicles, directions of Harbour Master

A person having charge of a vehicle within harbour limits shall at all times comply with any directions of the Harbour Master with respect to moving, loading, discharging, manoeuvring, waiting and parking and shall not, without the written permission of the Harbour Master, leave the vehicle unattended anywhere within the harbour premises for a period exceeding 24 hours.

### 19. Loads on vehicles

The owner, driver or other person having charge of a vehicle on the harbour premises shall ensure that any load carried on it or in it is adequately supported and secured and that it complies with all such statutory restrictions on the weight of goods to be so carried as are applicable on public roads

### 20. Recharging and refuelling vehicles

No person shall within the harbour premises load or discharge any vehicle, crane or other equipment with fuel except with the permission of the Harbour Master or at a place designated by the Harbour Authority for that purpose.

### 21. Fuel and bunkers

Any person loading or unloading fuel or bunkers to or from a vessel within harbour limits must inform the Harbour Authority by means of Shoreham Harbour Radio and shall comply with the Safe Bunkering Procedure published from time to time by the Harbour Authority.

### 22. Notification of accidents

Any person driving or otherwise operating a vehicle, crane or other equipment involved in an accident on harbour premises whereby any injury is caused to any person or any damage is caused to any property, shall stop the vehicle, crane or other equipment and report the accident and shall give his name and address to the Harbour Master. The requirements of this byelaw are without prejudice to any reporting obligations under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

### 23. Refuse

No person shall deposit refuse on the harbour premises except in suitable receptacles that have been approved or supplied by the Harbour Master.

### 24. Fish gutting in locks

No person shall gut, cut, fillet or prepare for sale any fish on any vessel whilst transiting the locks.



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### 25. Unauthorised trading

No person, company, partnership or other organisation or association within harbour limits or on harbour premises shall engage in trade unless authorised to do so by the Harbour Authority.

### 26. Jumping and diving

No person shall within harbour limits jump or dive from any pier, quay or structure into the water below.

### 27. Swimming, snorkelling and diving.

No person shall within harbour limits swim or use diving or snorkelling equipment except with the written permission of the Harbour Master.

### 28. Anti-social behaviour.

No person shall within harbour limits or on harbour premises act in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons or that creates a risk to the safe and efficient operation of the Port.

## **PART 3 - PENALTIES**

29. Any person who contravenes or otherwise fails to comply with any of these byelaws or any condition, requirement or prohibition imposed by the Harbour Authority or the Harbour Master in the exercise of the powers conferred upon the Harbour Authority or the Harbour Master by these byelaws, shall be guilty of an offence and be liable on conviction before a court of summary jurisdiction, to a fine not exceeding £200.

30. Where the commission by any person of any offence under these byelaws is due to the act or default of some other person, that other person shall be guilty of an offence; and that other person may be charged with, and convicted of, the offence by virtue of this byelaw whether or not proceedings for the offence are taken against any other person.

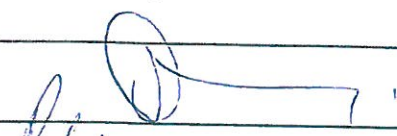
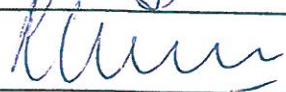

31. In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence or that he had a reasonable excuse for his act or failure to act.

32. If in any case the defence provided under byelaw 31 involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as is then in his possession identifying or assisting in the identification of that person.

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### PART 4 - REVOCATIONS

33. The Shoreham Port Authority Byelaws 1965, Shoreham Port Authority (Speedboat) Byelaws 1972, Shoreham Port Authority General Byelaws 1975, Shoreham Port Authority General Byelaws (Amendment) 1978, Shoreham Port Authority General Byelaws (Amendment) 1986 and the Shoreham Port Authority General Byelaws (Amendment) 1994 are hereby revoked.

The Common Seal of the Shoreham Port was hereto affixed on the 13 <sup>th</sup> day of September 2012	
Chairman Shoreham Port	
Chief Executive Shoreham Port	
The Secretary of State for Transport hereby confirms the foregoing byelaws	
Signed on behalf of the Secretary of State for Transport this 2 <sup>nd</sup> day of November 2012	

